IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2528 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JADEJA HARDEVSINH RAVUBHA & 2 - Petitioner(s)

Versus

TALUKA DEVELOPMENT OFFICER & 4 - Respondent(s)

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Appearance :
MR HASIT H JOSHI for Petitioner(s) : 1 - 3.
MR PV HATHI for Respondent(s) : 1, 5,
GOVERNMENT PLEADER for Respondent(s) : 2 - 4.
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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 16/02/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioners – earthquake affected persons have prayed for appropriate writ, order and/or directions directing the learned District Judge, Jamnagar – Lokpal being ombudsman to examine he matter and representations of the petitioners dtd.7/8/2003 within a reasonable time as directed by this Court while passing order dtd.19/7/2003 in Special Civil Application No.5646 of 2003.

2. It is the case on behalf of the petitioners that earlier the petitioners approached this Court by way of Special Civil Application No.5646 of 2003 directing the appropriate authority to extend the relief which

was declared on account of the earthquake and the learned Single Judge of this Court disposed of the said petition by order dtd.19/7/2003 directing the petitioners to make detailed representations to the learned District Judge by producing evidence in support of their case for enhancement of the compensation for the relief as per the policy of the Government within a period of three weeks and the learned District Judge, Jamnagar was directed to examine the matter after calling for the record if any and hold an inquiry and render a decision as early as possible, preferably within a period of three months from the date of receipt of such representations. It is also the case on behalf of the petitioners that inspite of the fact that the petitioners submitted their detailed representations as directed by this Court, the learned District Judge, Jamnagar did not decide the representation and therefore, the petitioners have preferred the present petition.

3. This Court (Coram : K.S.Jhaveri, J.) vide order dtd.13/10/2005 directed the office to call for the explanation from the learned District Judge, Jamnagar as to why the order of this Court dtd.19/7/2003 passed in Special Civil Application No.5646 of 2003 is not complied with. In response to the same, learned District Judge, Jamnagar has sent his explanation submitting that the representation was received from the petitioners and others on 7/8/2003 through their advocate. However, through oversight, the representation was tagged with other miscellaneous papers due to workload and therefore, the same was not placed before the District Judge for further orders. The learned District Judge has also submitted that considering the aforesaid explanation appears to be acceptable and *bonafide* and he has shown his apology for non-compliance of the aforesaid order of this Court and has submitted that the same has

been occurred due to *bonafide* mistake of the staff. He has also further submitted that the representation is now registered as E.O. Application No.1 of 2005 and notices notices are already served upon the parties and the next date of hearing was 6/12/2005 for final hearing and he has assured that the matter will be disposed of t the earliest. The aforesaid explanation of the leanred District Judge, Jamnagar is accepted.

4. Mr.Joshi, learned advocate appearing on behalf of the petitioners has submitted that now the matter is fully heard by the learned District Judge, Jamnagar and the order is awaited.

5. Under the circumstances, the learned **District Judge, Jamnagar** is directed **to pass appropriate order** on the E.O. Application No.1 of 2005 in accordance with law and on merits, **as expeditiously as possibly, but not later than 16/3/2006** and communicate the outcome of the same

to the petitioners.

6. The petition is allowed accordingly with aforesaid directions. Rule is made absolute to the aforesaid extent. However, there will be no order as to costs.

(M.R.SHAH,J.)

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